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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ASHLEY M. GJOVIK	3:23-CV-04597-EMC
VERSUS	FEBRUARY 21, 2025
APPLE, INC.	SAN FRANCISCO, CA

BEFORE THE HONORABLE EDWARD M. CHEN  
UNITED STATES DISTRICT JUDGE

TRANSCRIPT OF MOTION HEARING

A P P E A R A N C E S:

FOR THE GOVERNMENT:

ASHLEY M. GJOVIK, ESQUIRE  
2108 N. ST  
SACRAMENTO, CA 95816  
ashleymgjovik@protonmail.com

FOR THE DEFENDANT:

MELINDA S. RIECHERT, ESQUIRE  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 MARSH ROAD  
MENLO PARK, CA 94025  
mriechert@orrick.com

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BETH A. KRUPA, RMR, CRR (VIA ZOOM)  
United States Court Reporter  
401 West Evans Street  
Florence, SC 29501  
Beth\_krupa@scd.uscourts.gov

(Stenotype/Computer-Aided Transcription)

1 SAN FRANCISCO, CA, FEBRUARY 21, 2025

2 HONORABLE EDWARD M. CHEN, PRESIDING

3 \* \* \*

4 (Proceedings commence at 9:15 a.m.)

5 THE CLERK: Next case is Gjovik versus Apple,  
6 Inc., Case No. 23-4597. Please state your appearance for  
7 the record beginning with the plaintiff.

8 MS. GJOVIK: My name is Ashley Gjovik. Good  
9 morning, Your Honor.

10 THE COURT: All right. Good morning.

11 MS. RIECHERT: Melinda Riechert from Orrick  
12 representing Apple.

13 THE COURT: All right. Good morning,  
14 Ms. Riechert. Okay. We're on for defendant's motion to  
15 dismiss portions of the fifth amended complaint and so  
16 let me address, ask the parties to address some of the  
17 key issues as I see them.

18 First has to do with the statute of  
19 limitations. And I will say at the outset that I think  
20 Ms. Gjovik is correct in that with respect to the delay  
21 discovery rule, federal law applies even though there may  
22 be state claims.

23 I think the Ninth Circuit has held in the  
24 O'Connor Boeing case that federal standard applies and  
25 there's a slight difference between the state and federal

1 standard. I think the federal standard requires that  
2 the -- it turns on whether the defendant knows or  
3 reasonably should have known of the cause and not just  
4 mere suspicion to the extent the state court -- state law  
5 could be construed to have that more lenient standard.

6 So here the question of known or should have  
7 known turns on inquiry notice, in my view, and that is  
8 whether or not a reasonable inquiry that would have been  
9 undertaken would have put the plaintiff on notice of her  
10 claim and here the -- it's clear that Ms. Gjovik had  
11 reason to believe there was some kind of a problem given  
12 all the activities.

13 Her contention here is that she didn't  
14 know -- she had no reason to know that specifically  
15 that -- of the actual nature of the activities that were  
16 going on at the plant that was nearby and that would have  
17 given rise to the kind of alleged injuries she claims.

18 But she knew there was something going on and  
19 knew that there was some risk of toxics and in her  
20 filings reflect that she believed there were reported  
21 amounts of various chemicals, including arsenic, carbon  
22 monoxide, mercury, et cetera.

23 But the key question it seems to me is whether  
24 she knew it or not at the time. There appears to have  
25 been a public file containing the permit that made it

1 clear what was -- that there was semiconductor  
2 fabrication going on.

3 So that's what I would like to -- so if that's  
4 evident, then there's a very good argument that one would  
5 be on inquiry notice, and that inquiry notice would have  
6 led to the discovery of, in fact, that the Aria factory  
7 was engaged in semiconductor fabrication.

8 I take it that's the defense argument, that  
9 given the public information that the notice  
10 requirement -- the should have known requirement was  
11 satisfied; is that correct, Ms. Riechert?

12 MS. RIECHERT: Correct, Your Honor.

13 THE COURT: I'll let you respond to that,  
14 Ms. Gjovik. I know you say you did not know, but that's  
15 not the standard. The standard is should have known and  
16 based on a reasonable inquiry would have uncovered the  
17 fact that the Aria factory was, in fact, engaged in  
18 semiconductor fabrication.

19 MS. GJOVIK: Thank you, Your Honor. I think  
20 this is a very unique case that has such a strong holding  
21 for the reasonable inquiry where when I knew that there  
22 was something going on, I alerted just about every  
23 government agency that could possibly be implicated by  
24 that.

25 And as a project manager, ensured that they all

1 did an inquiry on their behalf to see if they could  
2 figure out what was going on.

3 Many agencies took this extraordinarily  
4 seriously, the EPA looked into it for weeks. They were  
5 distracted also by the super fund issues, but I had the  
6 city looking at it, I had the state governments looking  
7 at it.

8 It went on for some time. That was the article  
9 I published was frustration that even with all of these  
10 experts, all of these agencies trying to figure out what  
11 was going on, they couldn't figure it out.

12 So if this standard, if we would say, I was on  
13 inquiry notice, I should have figured it out. But the  
14 federal EPA could not figure it out and it's their job to  
15 regulate these things and they would have even more  
16 access than I would have to the records, then no one is  
17 ever going to meet this legal standard.

18 THE COURT: well, let me ask you, when you say  
19 couldn't figure out, maybe they did not, at least in  
20 their view find a -- come up with a specific finding.  
21 But the issue is not conclusively determining -- what if,  
22 in fact, there were no emissions that were sufficiently  
23 concerning, that doesn't mean that you couldn't bring a  
24 claim.

25 And to bring a claim, all you have to know is

1 what the source is. So the fact that the agencies  
2 couldn't come to a conclusion doesn't necessarily mean  
3 that you didn't have sufficient reason to believe that it  
4 was coming from this factory, because it was engaged in  
5 semiconductor manufacture.

6 MS. GJOVIK: well, first, I would say that  
7 evidence that Apple filed, there's no actual evidence  
8 that was available at the time. They just said it's  
9 available now and it's a very difficult website to  
10 navigate.

11 I spent a freakish amount of time investigating  
12 this. I had friends intervening, telling me I just need  
13 to move on. This is, again, where I'm concerned, that if  
14 I didn't do enough, I don't think anyone would have ever  
15 done enough.

16 I didn't find that for some time. The public  
17 records portal points you to a complete different place.  
18 It doesn't ever send you there. I think there's also an  
19 issue that if we say that the standard for semiconductor  
20 exposure would be looking at the permits and knowing that  
21 semiconductor fab, again, it's going to be very hard for  
22 anyone to ever meet that standard.

23 It's just because I worked in hardware at Apple  
24 and was around the semiconductor process that those words  
25 meant something to me. So there's a lot of people that

1 don't understand the ultra hazardous nature of that type  
2 of operation and it is silicon valley, so there's tons of  
3 industrial facilities all over the place doing different  
4 kinds of level of industrial work.

5 Sometimes it's a problem, sometimes it's not.  
6 So it's very difficult to try to -- and so the EPA  
7 explained to me their process when they were  
8 investigating and evaluating to try to figure out if  
9 there were red flags.

10 And they go through the filings. They go  
11 through -- the problem here was, Apple was not  
12 filing -- they were not registered as semiconductor fab  
13 in the required systems. They were not filing their  
14 error emission reports to the federal government.

15 They did file some for the local government,  
16 but they were not registered for semiconductor fab, and  
17 that is something that they face violations for now.  
18 They're written up by the Bay Area Air Quality Management  
19 District.

20 This also, the violations raise the issue, once  
21 the government found out what they were doing, it was so  
22 facially illegal, they faced so many inspections, and  
23 they've been written up, violations and investigations,  
24 that, again, to say I should have been able to figure it  
25 out, if these agencies who it's their job to figure it

1 out and once they figured out what Apple specifically was  
2 doing in this situation, jumped on it and opened very  
3 formal extensive investigations and are working on  
4 enforcement actions. I don't think anyone would ever  
5 meet that standard if to say that I did not do enough.

6 THE COURT: Okay. Well, hold on for a second.  
7 You also allege that there are filings that show that the  
8 facility exhausted reportable amounts of mercury,  
9 arsenic, carbon monoxide, formaldehyde in the ambient air  
10 around the factory and Apple says that was available  
11 through the Bay Area Air Quality Management District  
12 publicly online back in August of 2021.

13 So why wouldn't that be enough to bring -- to  
14 believe that you had a claim? It was -- if you're  
15 bringing in arsenic, carbon monoxide, formaldehyde, maybe  
16 you don't know every substance and maybe fabrication of,  
17 you know, of these chips and stuff could have even more,  
18 but at that point why wouldn't there be enough notice to  
19 say there's a problem here and I've got a claim?

20 MS. GJOVIK: So there's an argument there could  
21 be, but what I put on that claim, again, we're  
22 in -- we're in Silicon Valley which is even worse than  
23 San Francisco when it comes to the industrial operations  
24 near residential and schools, and just about every office  
25 you're going to be around is probably going to be



1 emitting something.

2 And this was a conversation, this was reflected  
3 in the article I wrote in my frustration, that there's a  
4 lot of air pollution around here and it's trying to  
5 figure out what is unusual enough that it could cause  
6 such a severe health issue.

7 And the issues I was having and the other  
8 victims were having, was so severe, it had to be  
9 something that was just, you know, a very, very, extreme  
10 dangerous activity.

11 Again, once the Bay Area Air Quality Management  
12 District, who received those filings from Apple and knew  
13 the address, once they found out that Apple was actually  
14 doing semiconductor fabrication, had multiple  
15 inspections, they're written up for multiple violations,  
16 they failed to register.

17 They're supposed to get permission from the air  
18 board to even operate in a location like that. There's a  
19 whole planning process and zoning that they surely would  
20 have been denied.

21 So one of the big issues here is what Apple was  
22 doing was so egregiously inappropriate, like, no one  
23 would think to screen for something like that, and that's  
24 why I argued ultra hazardous.

25 To me, this is the same thing as your neighbor

1 drilling for oil next to your backyard. Where you're  
2 like, you're doing what? That's crazy. That's so  
3 dangerous. You can't do that.

4 So it's -- this is kind of an unusual one. I  
5 also, like, I'm carrying a lot of burden of thousands of  
6 other victims. So, again, I did freakish amounts of  
7 research.

8 I have an engineering background. I have the  
9 legal background, in law school learning enough that I  
10 could navigate some of this. I was frequently told by  
11 these agencies that I was, like, the best researcher  
12 they've ever seen.

13 So if I did not do enough, no one would have  
14 ever done enough. And if I was to file a complaint, I  
15 think it's an argument against judicial economy, that if  
16 there's so many buildings around that area and there's so  
17 many potential sources, whether it was existing  
18 contamination that they're not properly venting and  
19 controlling or new stuff, I'm going to file a complaint  
20 with like 15 potential parties listed.

21 And what would I even -- I would say, chemicals  
22 came from maybe the ground, maybe the water, maybe the  
23 sewers, maybe the exhaust, here's a list of like 20  
24 suspects.

25 That would just clog the pipes of all of the

1 silicon valley, especially, courts, because  
2 it's -- that's just too vague. You -- you need another  
3 step forward. And we've been having, I think, what,  
4 three motions to dismiss now discussing my toxic tort  
5 cases.

6 So they're very hard to get through and I think  
7 just having, you know, file it if you think you were  
8 exposed to chemicals would -- would not be good for the  
9 courts.

10 THE COURT: All right. Let me ask Ms. Riechert  
11 to respond in terms of how easy it would have been to  
12 find that the source of these various chemicals in the  
13 air was emanating from this factory, the Aria factory  
14 because it was doing semiconductor fabrication.

15 MS. RIECHERT: Yes, Your Honor. So the  
16 documents that she relies on to support her claim, she  
17 found in 2023. Those documents were all available in  
18 2021, in 2020.

19 So there's no reason if she could find them in  
20 2023 that she couldn't have found them earlier in 2021  
21 and 2020 and that's the essential part of the claim. She  
22 hasn't shown that she could not have found them earlier  
23 if she used reasonable diligence.

24 THE COURT: And what's the proof? We're  
25 getting an echo here. I'm not sure why that is. Why --

1 what's your proof that these were, in fact, available as  
2 of 2020 and 2021?

3 MS. RIECHERT: We submitted all of that with  
4 our motion, Your Honor, in a request for judicial notice  
5 which has the links, how we got to the links, how they  
6 were available, when they were made public.

7 THE COURT: It relies on the way back?

8 MS. RIECHERT: Some of it in the way back --

9 MS. GJOVIK: No.

10 MS. RIECHERT: -- but you can see the  
11 information on the website. If you go through all the  
12 RJN, you can see how we found all of that --

13 MS. GJOVIK: I objected. There's no way back.  
14 There's no proof that was even available other than the  
15 day --

16 THE COURT: Hold on. Hold on. You are not to  
17 interrupt. I will come back to you.

18 So continue, Ms. Riechert.

19 MS. RIECHERT: Yes, Your Honor. So in the RJN,  
20 we go through all the documents that she now relies on to  
21 support her claim that she found in -- she says she found  
22 in 2023. And we show how that stuff was available on the  
23 website in 2020 or 2021.

24 One of them we don't have a way back going back  
25 that far. That doesn't mean it wasn't available before

1 then, we just didn't have a way back. But for all of the  
2 others, we show that they were available in 2020 and 2021  
3 and she could have found them then if she used the same  
4 diligence in 2023, that she uses -- she should have used  
5 that same diligence in 2021.

6 So if she did find them in 2023, they were  
7 available in 2021. So why didn't she find them in 2021?  
8 Maybe they were difficult to find, but she ultimately  
9 found them. And so, therefore, she could have found them  
10 earlier.

11 THE COURT: What's your response to the notion  
12 that there's at least a factual question here about how  
13 reasonably or how easily they were -- could have, this  
14 record, this information about the factory could have  
15 been found when she went to all these different agencies  
16 and as she put it, they couldn't figure it out?

17 MS. RIECHERT: The agencies couldn't figure out  
18 because there was no problem. Believe me, they would  
19 have come after Apple if there was a problem. It's the  
20 plaintiff who's claiming there's a problem not the  
21 agencies.

22 But we have submitted all of this evidence to  
23 show that it was available. It's not disputed that it  
24 was available back then. We submitted all of the  
25 evidence that showed it was.

1           So there is no factual dispute about whether it  
2           was available in 2021, and there's no dispute that she  
3           found it in 2023. And if she had done in 2023 -- in 2021  
4           what she did in 2023, she would have found it because it  
5           was there and there's no factual dispute on that.

6           THE COURT: All right. I'll let you respond to  
7           that specific point that what you found in 2023 could  
8           have been found two years earlier.

9           MS. GJOVIK: Thank you, Your Honor. There's no  
10          evidence that it was available then, that was my  
11          objection, that they have not proven that it was  
12          available at the time, how it would have been accessed.

13          I think that's fact finding. That's something  
14          that gets past motion to dismiss 12(b)(6) where it's  
15          talking to agencies, where it's understanding what a  
16          reasonable person would be expected to do.

17          If I may, I also just want to say that I also  
18          have the additional arguments of fraud and some version  
19          of duress of where she asks, why couldn't I figure that  
20          out in 2021.

21          One of the factors would be the extensive  
22          harassment and retaliation I was facing, that was a bit  
23          distracting from my environmental investigations.

24          THE COURT: All right. Well, so it seems like  
25          the key is how -- whether that information was available

1 and how accessible it was back in 2021, and I will take a  
2 closer look at your request for judicial notice, because  
3 that may be key in whether or not there's a factual  
4 question there.

5 MS. RIECHERT: What she did is she has her  
6 request for judicial notice where she says how she found  
7 all of this stuff and then we responded that with respect  
8 to all of the stuff that you list in your RJN that you  
9 found in 2023, all of that stuff was available in 2021.

10 THE COURT: Okay.

11 MS. RIECHERT: So we went through all of the  
12 exhibits in her RJN and we showed Exhibit 1 was  
13 available, Exhibit 2 was available, Exhibit 3 was  
14 available, so all of the ones you rely on now were  
15 available in 2021.

16 THE COURT: All right. Let me turn to the  
17 retaliation claims. I know there's other issues with  
18 respect to the environmental claim and I have a pretty  
19 good handle on those other issues, if we get there, if we  
20 get past the statute of limitations.

21 Retaliation claim, with respect to the  
22 Section 1102.5, the California whistleblower, with  
23 respect to tolling, the key is whether the prior  
24 administrative filings would have been sufficiently  
25 similar in nature as to give -- to alert the defendant

1 about the claims that are being made in this lawsuit.

2 It doesn't have to be precisely coextensive,  
3 but it has to give, sort of, reasonable, again, sort of  
4 inquiry notice.

5 And it seems to me that in looking at the  
6 filings, that there is enough for retaliation based on  
7 some of the disclosures and the activities and the claims  
8 that were made in the DIR complaint with respect to  
9 retaliation for workplace issues, workplace safety.

10 But I don't see anything in there that would  
11 have alerted the defendant about the violation of privacy  
12 rights. That seems to be a different kind of animal than  
13 a workplace safety and the complaints were -- I don't see  
14 much about -- I see something about environmental safety  
15 that can be inferred and maybe about organization and  
16 other things, but not about privacy.

17 So I'll let you respond to that problem,  
18 Ms. Gjovik.

19 MS. GJOVIK: Thank you, Your Honor. So one  
20 thing I've raised is privacy is inherent in this lawsuit  
21 because of Apple's defense which is they're allowed to  
22 invade my privacy.

23 So this would have been raised in part of the  
24 discussion no matter what in these type of adjudications  
25 and Apple would have known that because it's their



1 defense.

2 They would have had to know whether we have to  
3 debate whether that's a proper reason to fire someone, if  
4 that's really why they fired me. We'd have to talk about  
5 my complaints about invasion of privacy.

6 The citation that Apple uses for the article  
7 where I talk about this thing that really upset them, the  
8 article is called Apple Cares About Privacy Unless You  
9 Work At Apple.

10 And it's an interview with current and prior  
11 employees talking about privacy as a work condition, and  
12 concerned about hypocrisy from Apple.

13 THE COURT: Well, what we're talking about is  
14 tolling the statute of limitations which would otherwise  
15 run because of your filing in another forum, that gives  
16 you the benefit of extending the statute of limitations  
17 through tolling.

18 But in order to get that benefit, that pursuit  
19 in another forum such as the Department of Public  
20 Relations have to serve the function of the lawsuit.

21 It has to put the defendant on notice of the  
22 nature of the claim and I'm -- I find that that -- was on  
23 notice of retaliation based upon workplace reported  
24 safety violations and environmental, it's the privacy  
25 aspect that is brought in this suit but not -- I don't

1 see it in the DIR complaint.

2 MS. GJOVIK: You are correct, and I am trying  
3 to have a creative policy argument. But if we're going  
4 by prima facie, you are correct. It was not in the  
5 original complaint.

6 THE COURT: Let me ask about the 98 points.

7 MS. RIECHERT: May I respond on that point?

8 THE COURT: Okay. Go ahead.

9 MS. RIECHERT: So there were a number of claims  
10 that we believe that she's asserting retaliation for  
11 under 1102.5 that are not covered by her DIR complaint  
12 for workplace safety.

13 THE COURT: All right. So under the privacy,  
14 what else do you claim is not?

15 MS. RIECHERT: The NLRA claim under Section  
16 8(a)(1) of the National Labor Relations Act. That was  
17 not raised. That's not a workplace safety issue and that  
18 was not raised in her DIR complaint.

19 There's an OSHA complaint, 29 U.S.C. 660 which  
20 is OSHA 11-C, that was not raised in her DIR complaint.  
21 There's the right of privacy, there's 42 U.S.C. 2000(e),  
22 that had nothing to do with workplace safety.

23 And then the last one is the antidiscrimination  
24 laws of the government code in California 1298 -- 12920.  
25 So those were all claims that she's now saying she was

1     retaliated against for making, but none of those were  
2     covered by the DIR complaint related to workplace safety.

3             THE COURT:   why wouldn't the OSHA claim of  
4     retaliation be covered or at least implied by the DIR  
5     complaint?

6             MS. RIECHERT:   It would have to be very  
7     implied, I think, for it to be covered.

8             THE COURT:   I mean, at least it's within the  
9     realm of the kind of things we're talking about.

10            MS. RIECHERT:   Possibly. I would want to make  
11     one other point with respect to her allegations under  
12     1102.5 which is that a number of the things that happened  
13     to her, she says, after she made -- relate to the conduct  
14     that occurred after she made the DIR complaint and,  
15     therefore, they could not have been covered by the DIR  
16     complaint.

17            For example, she talks about that she was  
18     retaliated against for making the DIR complaint, but  
19     obviously, if she's retaliated against for making the  
20     complaint, the things that happened to her could not have  
21     been in the DIR complaint because they occurred after the  
22     DIR complaint.

23            THE COURT:   But it's still outside the  
24     limitations period, because if she complained about  
25     issues within the limitations period, then you don't need

1 the tolling.

2 MS. RIECHERT: Correct. We're talking about  
3 things that occurred outside of the limitations period,  
4 but were not tolled by the DIR complaint because they  
5 occurred after the DIR complaint but outside the  
6 limitations period.

7 THE COURT: What would be your response to, as  
8 you know in the Title 7 exhaustion arena, which is a  
9 little bit analogous, that that exhaustion is deemed  
10 satisfied not only by things that are raised in an EOC  
11 complaint, but things that are reasonably related or  
12 reasonably could be expected to have grown out of the  
13 original complaint.

14 And one could argue here, if you use that kind  
15 of notion, that retaliation for the DIR complaint even  
16 though, you know, you expect somebody to file another DIR  
17 complaint, it seems like it's transactionally related and  
18 it would be --

19 MS. GJOVIK: I did, I did.

20 THE COURT: Let me ask Ms. Riechert to respond  
21 to that first.

22 MS. RIECHERT: Yes, Your Honor. So there are a  
23 lot of rules with the EOC, as you know, where it has to  
24 be covered by the complaint or arise out of it. If the  
25 complaint is for discrimination, then you allege

1 retaliation.

2 That's not covered by the original complaint,  
3 and so you have to allege amended complaint. If you  
4 allege race discrimination, and then you later allege age  
5 discrimination, you have to amend your complaint.

6 She didn't amend the DIR complaint, and so  
7 these things that were not related to workplace safety,  
8 including discrimination and things like that, do not  
9 relate back and are not tolled because they don't relate  
10 to workplace safety, but was in the DIR complaint.

11 THE COURT: But the DIR complaint did raise a  
12 retaliation claim, it's just that now she's raising  
13 further acts of retaliation, so it's not like, you know,  
14 a brand new -- it does seem different to me. I don't  
15 know if there's case law on this, but it feels different.  
16 I'll let Ms. Gjovik respond to that question.

17 MS. GJOVIK: Sorry, I jumped in again. I just  
18 get very excited about labor rights.

19 So first I just want to make clear that when I  
20 filed that complaint, it was not specific to safety. It  
21 was all the labor rights. I got very, very excited to  
22 learning about all the wonderful labor laws in  
23 California.

24 I was not aware that California is the, like,  
25 the leading law with state labor protections, and this is

1 when I was getting very engaged about LRB, and California  
2 has the right to talk about work conditions, talking  
3 about invasion of privacy. That's why I took part in  
4 that article.

5 I want to point out that all of this happened  
6 well before I was fired. This stuff is definitely  
7 included in those complaints and some of the things that  
8 the counsel just said were incorrect.

9 So like the NLRB, I filed my NLRB complaint  
10 prior to the DIR complaint and Apple was served. And  
11 they had notice of counsel that they were representing  
12 that NLRB charge. I think it's like the same day I filed  
13 the DIR charge.

14 So I think it's a bit of puzzling they're doing  
15 of maybe it wasn't the exact same lawyer and stuff, but  
16 like Apple as a company was aware and all of this was  
17 growing out of the complaints that I made to Apple which  
18 were very extensively documented.

19 This is stuff that rooted out of the issue  
20 confirmation I wrote with them, which is a long detailed  
21 document of all of my concerns which covered a huge broad  
22 of issues. That was about August 22nd that that was  
23 filed.

24 I wasn't fired until September 9th. They said  
25 that they were investigating all of those things,

1 supposedly. So they were fully on notice there and I  
2 started discovery with them. I called it prediscovery.  
3 I told them I was suing them at that point and I gave  
4 them over 500 documents to support these claims they were  
5 making.

6 And, again, it was -- they actually said that  
7 they would not investigate the safety issues. So  
8 everything they were supposedly investigating was not  
9 safety, even though I kept bringing up the safety issues,  
10 too.

11 THE COURT: All right. Let me -- let me ask  
12 about the other retaliation basis, the Labor Code 98.6,  
13 that one of the keys there is whether or not there's a  
14 sufficient allegation that Apple knew that Ms. Gjovik was  
15 engaged in the activity because without the knowledge, as  
16 I previously mentioned, you can't retaliate.

17 There is some suggestion here, at least, for  
18 instance, the timing of the events that's alleged, that  
19 the day after Ms. Gjovik shared a post on Slack  
20 referencing the policies on rights to speak freely about  
21 wages, et cetera, she was placed on leave, that Apple was  
22 aware of the survey because they shut it down.

23 Maybe it's a little thin, but isn't that  
24 enough, Ms. Riechert, to -- especially if the inferences  
25 are to be drawn in favor of the pleader to find a basis

1 for knowledge?

2 MS. RIECHERT: Yes, Your Honor. My  
3 understanding on the Slack is that she said that she was  
4 questioned about the Slack posts on July 27, 2021, but  
5 she didn't participate in the pay survey until August of  
6 2021.

7 And, therefore, even if the company had been  
8 asking her about her Slack in July of 2021, it would not  
9 have found something that she later put in Slack and,  
10 therefore, it couldn't -- there would be no reason to say  
11 that it knew that she had posted the paid survey in  
12 August of '21 just because they looked at her Slack on  
13 July 28th -- July 27, 2021.

14 THE COURT: All right. Your response to that  
15 specific point, Ms. Gjovik?

16 MS. GJOVIK: Yeah. So I think that is  
17 completely disconnected from the reality of corporations  
18 who highly prioritize keeping their employees quiet about  
19 concerns and not having stuff aired publicly.

20 We've seen this with Apple and other tech  
21 companies, even the CEOs sending emails yelling at their  
22 employees to not speak about anything publicly, keep it  
23 all private.

24 Apple, like these other companies, does the  
25 same thing. Once you're on a list, they're going to



1     interrogate you ongoing. They're going to keep an eye on  
2     what you're doing.

3             There are probably hundreds of articles about  
4     Apple once you're on their list, they're following up  
5     with you, saying, hey, we said stop posting that.

6             So to think that they became concerned about  
7     what I was doing and then I continued to escalate my  
8     advocacy to think that they stopped paying attention, I  
9     think is -- doesn't make any sense.

10            And then especially since they said they  
11     started investigating me, supposedly over a week before  
12     they fired me, my question then would be, what did they  
13     investigate if they were saying that they fired me for  
14     making statements that were leaking, wouldn't they then  
15     inherently be searching all of my social media, Slack,  
16     conversations with employees, to try to figure out  
17     whatever they're looking for about that leaking unless  
18     they weren't investigating and it was just pretential?

19            THE COURT: Do you want to respond,  
20     Ms. Riechert, to that?

21            MS. RIECHERT: Yes, Your Honor. She's required  
22     to allege facts that show that Apple did know that she  
23     was complaining about her wages and she just hasn't  
24     alleged those facts in the complaint.

25            THE COURT: All right. Well, I'm going to take

1 these matters under submission and we'll determine what  
2 sort of survives and what doesn't.

3 I will say that matters that were rep'd in  
4 this complaint that were outside the scope of what I had  
5 allowed, I'm going to look at that and there may be  
6 things that are not cognizable here.

7 I also will feel that whatever I rule with  
8 respect to this complaint, I am not inclined to allow  
9 further amendments to the pleadings here.

10 We need to get going on this case and there's  
11 been enough back and forth on the pleadings, but I will  
12 rule on those matters once we -- I rule on what's before  
13 me now.

14 MS. RIECHERT: I would just like to make one  
15 more point, Your Honor, if I could.

16 THE COURT: Okay.

17 MS. RIECHERT: You've admonished the plaintiff  
18 in this case that she needs to comply with the rules,  
19 meet the deadlines, meet the page limit requirements and  
20 yet she's continuing to not do that.

21 She filed her opposition late. She filed --  
22 the second version of the opposition was late and it was  
23 30-some pages long.

24 So again, it violated your rules by being late  
25 and I just think it's really important that we make it

1 clear, you make it clear to the plaintiff that she's got  
2 to comply with your rules. She's got to get these things  
3 done on time and she's got to comply with the page limit  
4 requirements.

5 THE COURT: Right. I am going to say that in  
6 my order, whatever I decide, that I expect at this point,  
7 I've given dispensation, because she's not represented  
8 although she has a legal education.

9 But from this point on, the rules are going to  
10 be enforced. So I will make that clear and I'm going to  
11 make that clear in the order. Whatever goes forward from  
12 here, that's going to be my expectation.

13 So I will take the matter under submission, but  
14 it's my intent to close the pleading stage of this case  
15 and move forward with whatever is left and we'll set a  
16 further schedule at that point.

17 MS. RIECHERT: There is another motion by the  
18 plaintiff to further amend the complaint that is set for  
19 hearing.

20 THE COURT: Well, I've already indicated that  
21 my inclination is to close the pleadings in this case.  
22 We've already had now a fifth amended complaint. We need  
23 to move forward with what we've got after I decide the  
24 issue before me now. So you will hear from me shortly.

25 MS. RIECHERT: Thank you very much, Your Honor.

1 THE COURT: Thank you, everyone.

2 MS. GJOVIK: Thank you, Your Honor.

3 THE CLERK: This hearing is concluded.

4 (Proceedings adjourned at 9:49 a.m.)

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6 CERTIFICATE OF REPORTER

7 I certify that the foregoing is a correct transcript  
8 of the proceedings taken from my stenographic notes in  
9 the above-entitled matter.

10

11 /s/ Beth A Krupa

March 28, 2025  
Date

12 Beth A. Krupa, RMR, CRR  
13 Official Court Reporter  
14 U.S. District Court  
District of South Carolina

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Beth A. Krupa, RMR, CRR